



Public Safety Advisory Board Meeting #15

July 26, 2021 – 5:00 pm-7:00 pm

Meeting Minutes

5:00-5:10 Welcome, Centering Exercise, Roll Call

Call to order at 5 p.m.

Centering Exercise led by Chair Trinh.

Facilitator Kim called on to take Roll.

Absent:

Lee Landers

Judge Oberdorfer in for Judge O'Brien

Abdi Mohamoud

Nick Nunn

Danny Rauda

5:10-5:25 Public Comment

Two comments submitted to PSAB. No requests to speak.

Chair Trinh invited the public to visit www.tigard-or.gov/psab to submit or email eduardor@tigard-or.gov. All comments related to public safety are welcome.

5:25-5:35 Tigard Police Chief Kathy McAlpine's Update

Chair Trinh called on Chief McAlpine for an update. Chief McAlpine is on vacation so Commander McDonald stepped in for the update.

Commander McDonald mentioned that the Chief is giving a legislative update in August. Chief McAlpine contacted the Oregon Attorney General for an update on the investigation of the officer involved shooting. No new information to provide.

Commander and Chief are collaborating on the body worn camera policy to incorporate the PSAB recommendations.

5:35-6:15 Use of Force: Continuum vs. Graham Factors and Firearms

Sergeant Leigh Erickson called on to present.

Standardize training for firearms.

Training include practice on moving targets, communicating with officers during an active shooter situation and the like. Police practice target identification, shoot-no-shoot (decision making), limited window and unconventional situation. – Be able to engage the threat without harming non-threats.

Erickson played a video from Los Angeles. Viewer discretion advised. Graphic content.

Police are responding to an alleged assault in the video. Suspect, armed with a knife, engaged a woman while confronting police. Three officers fired their weapons, only one was found to have fired appropriately.

Lethal force is only allowed when there is a threat to someone's life. Body parts move fast. Police must target center mass (body of a person) versus limbs to be able to increase accuracy. Only two ways that bullets can neutralize a target: Shutting down brain or having bleeding.

Trinh: How often does an officer have to be recertified for their firearms?

Erickson: Four times a year. People must achieve a qualifying score. They may be pulled off duty until they meet that standard.

Newton: How are officers trained to evaluate situations?

Erickson: Officers are trained on how to engage in dynamic situations.

Commander McDonald: We create multiple scenarios in training. If two officers respond, they are trained to coordinate/communicate at the scene. Officers can be compliant to the law, but out of line with department policy. Officers may have different views

Calderon: What is a passing score for firearms training?

Erickson: 85 percent of fifty shots taken.

Sasaki: What is considered a proportional response? How do officers evaluate that?

Erickson: Lethal force definition. Building upon other trainings such as decision-making.

Sasaki: If someone just has a knife, engaging with firearms may not be proportional.

Erickson: We would keep talking until the armed person becomes a threat to someone's life.

Stuhldryer: What happens when policy is broken but not the law?

Erickson: Officers can face administrative sanctions (training, suspension, leave, etc.)

Marshall: We will have more time on discipline.

Oberdorfer: Are officers trained and tested with their duty guns?

Erickson: Yes. We used modified models in some trainings to avoid accidents.

Brown: How is stress introduced in trainings?

Erickson: We create the stress so that officers can practice. A variety of techniques are deployed.

McDonald: We train with multiple tools because situations vary and tend to be hands on.

Lofgren: An example justified by law, not policy.

McDonald: I have one coming up.

Low: Responding to stressful situations (scenario training)

Erickson: Trainings are realistic. Police have equipment to recreate situations.

Stuhldryer: We were taught knives are more dangerous than firearms.

Erickson: 20ft rule does not stand. Sharp, handheld weapons are very dangerous because they don't have to be reloaded and don't fail.

FORCE CONTINUUM

If this happens, then that happens. However, it can be limiting and take the reasonable factor out of a situation. What works for one officer may not work for another.

2008-2009 Departments stop using continuum. Police Chiefs recommend against it. Situations must be evaluated rather than trying to apply a one size fits all.

Sasaki: How can you measure what people find "objectively reasonable"?

Erickson: Officers must give details/analysis of their decision-making.

Sasaki: We have seen situations where officers have given a varying response based on the suspect's race/ethnicity.

Erickson: We base off the facts of the situation.

McDonald: Tigard has anti-bias training. In use of force training, there is recognition of biased woven into it. However, we work with trainers that are certified and may not have certain resources available.

Brown: Twenty years ago, when I was stopped by officers, they perceived my loud voice and arm language as a threat. This is common to African Americans. If an officer has a belief of how someone dresses or presents themselves, how do you overcome that?

Newton: That is a great point. Officers may not see the bias, but the community has another experience.

Brown: Race is a factor in everything in this country and we must address it.

Sasaki: You mentioned lack of volunteers of color. Can the PSAB help recruit volunteers?

Erickson: Usually role players are certified in trainings. The training is intense and often requires physical combat. TPD has a black woman and some Latino men.

6:15-6:40 Use of Force: Review Process

Force Response Guidelines-

Use of Force:

Reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that appears necessary.

ORS 161.235

Use of physical force in making an arrest or in preventing an escape

A peace officer is justified in using force upon another person only when and to the extent that the officer reasonably believes it necessary:

To make an arrest to prevent the escape from custody of an arrested person unless the peace officer knows that the arrest is unlawful.

Officers have the option to walk away to a certain extent.

What does this all mean?

Force responses are a balancing act of the need for government intrusion (seizure of a person) against the reasonably foreseeable risk (injury) created by the tactics, techniques, or tools we are using to achieve a lawful (arrest, detain, threat, etc).

Police Legitimacy – Level of justification

- US Constitution, Fourth Amendment
- Oregon Constitution, Article I, Section 9
- Oregon Revised statutes
- Department Policy
- Public Perception or Expectation

Each level is progressively harder to obtain.

The community expectation can be higher than the law. We operate at the highest level of expectation.

Review Process

After a use of force, a supervisor will respond to the scene to investigate force.

They interview the person force was used on, any witnesses and involved or witness officers.

They decide as to if the force used was within policy.

Supervisors create a report for continuing review as needed by the chain of command.

Talking to witnesses may help answer questions for them. Witnessing a use of force is not pretty.

Brown: Over the last year or two, what percentage of use of force are within law? Within department policy?

Numbers will be confirmed. They are believed to be low.

Duty to intercede: TPD Policy 300.2.1

If you observe someone using force that is clearly beyond that which is objectively reasonable you need to intercede when you can do so.

Continuing education

Duty to intercede and Daily Training Bulletin

Daily Training Bulletins happen about 14 times a month. To keep policies fresh and present for officers in the department.

Training/response is based on the facts. It does not matter who is being engaged. Officers need the ability to step in when other officers may need to be removed from the situation.

Daily trainings bulletins have increased knowledge of policies. Officers can also go back to review.

6:40-6:55 Opportunity to Discuss Current Events and How They Impact the Tigard Community

Cut for time.

6:55-7:00 Wrap Up and Next Steps

Commander McDonald: In the next session, you will hear from defense tactic instructors. They will talk about hands on interactions. You will also hear from vehicle instructor in the coming sessions. They will talk about interactions such as pursuits.

Legislative update coming soon.

National Night Out is happening next week. If there is a map of neighborhood parties, that should be shared with the Board.

Hopefully we can start meeting in person and take the meetings to the High School to engage youth.

Call to adjourn.

Calderon motion to adjourn.

Sasaki second.

No further discussion.

Meeting adjourned at 7 p.m.

Time permitting – public outreach check-in